

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DAVID K. ADAMS,

Plaintiff,

v.

Civil Action No. 2:13-1469

DAVID BALLARD, Warden,
Mount Olive Correctional Complex,

Defendant.


MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation ("PF&R") of the United States Magistrate Judge filed on June 12, 2013, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the plaintiff or the defendant to the PF&R; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the PF&R be, and they hereby are, adopted by the court.

It is, accordingly, ORDERED that this action be, and hereby is, dismissed without prejudice and stricken from the docket. It is further ORDERED that the filing fee be, and hereby is, waived in view of the circumstances set forth by the magistrate judge in the PF&R.

The Clerk is directed to forward copies of this written opinion and order to the petitioner, all counsel of record, and the magistrate judge.

DATED: August 13, 2013



John T. Copenhagen, Jr.
United States District Judge